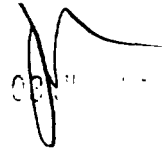


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION



UNITED STATES OF AMERICA

CASE NO: 8:03-Cr-77-T-30TBM

vs.

SAMI AL-ARIAN
_____ /

AFFIDAVIT OF PATRICK D. DOHERTY, ESQUIRE

Before me, personally appeared PATRICK D. DOHERTY, ESQUIRE, who after being duly sworn, deposed and said:

1. I am a member of the Florida Bar and have practiced in Pinellas County, Florida for twenty-nine (29) years;
2. I am employed with the law office of Jeffrey G. Brown, P.A., and am assisting Mr. Brown with his representation of the Defendant, Sami Al-Arian, pursuant to his appointment under the Criminal Justice Act;
3. I have substantial experience in the defense of criminal cases including cases similar in nature and charge to the charges in the above referenced case;
4. Your Affiant was scheduled to go to Coleman U.S.P. to consult with his client, Sami Al-Arian, on Thursday, June 5, 2003, following the Status Conference before The Honorable James S. Moody, Jr.;
5. As usual, we faxed to the institution and followed up with a phone call stating the intention to visit Dr. Al-Arian;
6. About one (1) hour before Affiant left Tampa he received a call telling him there was a "problem". The "problem" as described by the institution was that Jeff Brown and I had entered an agreement with Ms. Potts which said that we would give the institution twenty-four (24) hours notice before coming to see Dr. Al-Arian;

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7. Your Affiant replied that he had not only **not agreed** to that further restriction on Dr. Al-Arian, but that he had never and would never **agree** to any part of Dr. Al-Arian's continued confinement;

8. When your Affiant asked to speak to Ms. **Potts** about this alleged agreement he was told that this was not possible but that the agreement **occurred** the day we misrouted our fax request to see Dr. Al-Arian;

9. That was a total perversion of reality – **the fax was** sent to Ms. Potts, received by her office, a confirmation was received by this office **and a** phone call to Ms. Potts was made and received verifying the content of the fax;

10. That was **the day** the door was **jammed open at the** institution, thus preventing an attorney from entering while dozens of non-lawyers **freely** moved through the open doorway;

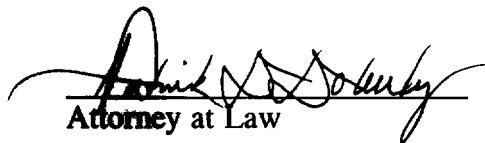
11. The Defendant that day, as he is every day, **was in** his cell at least twenty-three (23) hours. The necessity for twenty-four (24) hours **notice is not** clear to the Affiant. What is clear is that the institution is capable of locating Dr. **Al-Arian** on rather shorter notice than twenty-four (24) hours;

12. The Affiant not only made no agreement **that day** but it would be fair to say the Affiant's mood was disagreeable, in general;

13. Nonetheless, based on some talk that an **agreement** was made, the Affiant was denied the ability to consult with his client;

14. The Affiant fully believes this pattern of **activity is** designed to punish Dr. Al-Arian before any adjudication of his case and to deny **him his** Sixth Amendment rights, and simultaneously deliver an enormous strategic advantage to **the prosecution** which doesn't need to cope with such obvious efforts to frustrate them in **preparation** of their case.

Further Affiant sayeth not.


Attorney at Law

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing was acknowledged before me this 11th day of June, 2003, by PATRICK D. DOHERTY, ESQUIRE, who is personally known to me ~~or who has produced~~ as identification and who did take an oath.

NOTARY PUBLIC

JONI S. VIETTO



Joni S. Vletto
Commissioner #D164139
Expires: Dec 16, 2006
Bonded Thru
Atlantic Bonding Co., Inc.